



**CITY OF SOMERVILLE, MASSACHUSETTS**  
**MAYOR'S OFFICE OF STRATEGIC PLANNING & COMMUNITY DEVELOPMENT**  
**JOSEPH A. CURTATONE**  
**MAYOR**

MICHAEL F. GLAVIN  
EXECUTIVE DIRECTOR

PLANNING DIVISION

**ZONING BOARD OF APPEALS MEMBERS**

ORSOLA SUSAN FONTANO, CHAIRMAN  
RICHARD ROSSETTI, CLERK  
DANIELLE EVANS  
ELAINE SEVERINO  
JOSH SAFDIE  
ANNE BROCKELMAN, (ALT.)  
POOJA PHALTANKAR, (ALT.)

**Case #: ZBA 2017-19**  
**Site: 46 Ware Street**  
**Date of Decision: April 5, 2017**  
**Decision: Petition Approved with Conditions**  
**Date Filed with City Clerk: April 6, 2017**

---

**ZBA DECISION**

---

<b>Applicant Name:</b>	Anand & Anuradha Parikh, Trustees
<b>Applicant Address:</b>	46 Ware Street, Somerville, MA 02144
<b>Property Owner Name:</b>	Parikh Somerville Realty Trust
<b>Property Owner Address:</b>	46 Ware Street, Somerville, MA 02144
<b>Agent Name:</b>	N/A
 <u>Legal Notice:</u>	 Applicant and Owner, Parikh Somerville Realty Trust, Anand and Anuradha Parikh, Trustees, seek a Special Permit under SZO §4.4.1 to construct a second and third floor addition to the front of a nonconforming structure.
 <u>Zoning District/Ward:</u>	 RA zone/Ward 7
<u>Zoning Approval Sought:</u>	§4.4.1
<u>Date of Application:</u>	March 1, 2017
<u>Date(s) of Public Hearing:</u>	April 5, 2017
<u>Date of Decision:</u>	April 5, 2017
<u>Vote:</u>	5-0

---

Appeal #ZBA 2017-19 was opened before the Zoning Board of Appeals at Somerville City Hall on April 5, 2017. Notice of the Public Hearing was given to persons affected and was published and posted, all as required by M.G.L. c. 40A, sec. 11 and the Somerville Zoning Ordinance. After one hearing of deliberation, the Zoning Board of Appeals took a vote.



CITY HALL • 93 HIGHLAND AVENUE • SOMERVILLE, MASSACHUSETTS 02143  
(617) 625-6600 EXT. 2500 • TTY: (617) 666-0001 • FAX: (617) 625-0722  
[www.somervillema.gov](http://www.somervillema.gov)

**DESCRIPTION:**

The proposal is to construct a second and third story addition on the front of the structure above the existing one-story enclosed front porch without expanding the footprint of the structure. The purpose of the addition is to add an en suite bathroom to the existing master bedroom on the second floor and add living area to the bedroom on the third floor.

**FINDINGS FOR SPECIAL PERMIT (SZO §4.4.1):**

In order to grant a special permit, the SPGA must make certain findings and determinations as outlined in §5.1.4 of the SZO. This section of the report goes through §5.1.4 in detail.

1. **Information Supplied:**

The Board finds that the information provided by the Applicant conforms to the requirements of §5.1.2 of the SZO and allows for a comprehensive analysis of the project with respect to the required Special Permits.

2. **Compliance with Standards:** *The Applicant must comply "with such criteria or standards as may be set forth in this Ordinance which refer to the granting of the requested special permit."*

The structure is currently nonconforming with respect to the following dimensional requirements: lot area, front, and right side yard setbacks.

The proposal will impact the nonconforming dimensions of the front and right side yard setbacks. The current dimension for the front side yard setback is 6.9 feet where the requirement in the RA district is 15 feet. The current dimension for the right side yard setback is 2.2 feet where the requirement in the RA district is 8 feet for a 2.5 story structure. However, due to the narrowness of the lot a 1 inch reduction is allowed for each foot that the lot is less than 50 feet wide for each required side yard setback; therefore, with a 40 wide lot the required side yard setback is 7' 2" for each side yard. This alteration to increase the height of the portion of the structure in the front and right side yard of a nonconforming structure requires the Applicant to obtain special permits under §4.4.1 of the Somerville Zoning Ordinance (SZO).

Section 4.4.1 states that "[l]awfully existing one-and two-family dwellings which are only used as residences, which are nonconforming with respect to dimensional requirements, may be enlarged, extended, renovated or altered by special permit granted by the SPGA in accordance with the procedures of Article 5."

In considering a special permit under §4.4 of the SZO, the Board finds that the alterations proposed would not be substantially more detrimental to the neighborhood than the existing structure. The proposal allows the homeowners to expand their living space without increasing the footprint of the building or encroaching further into the required setbacks. The proposal has been designed with setbacks that minimally impact the neighbors and the requirements for lot area per dwelling units, ground coverage, landscaped area, pervious area, floor area ratio, height, rear yard setback, left side yard setback, and parking will continue to be conforming to the requirements of the SZO.

3. **Consistency with Purposes:** *The Applicant has to ensure that the project "is consistent with (1) the general purposes of this Ordinance as set forth in Article I, and (2) the purposes, provisions, and specific objectives applicable to the requested special permit which may be set forth elsewhere in this Ordinance, such as, but not limited to, those purposes at the beginning of the various Articles."*



The proposal is consistent with the general purposes of the Ordinance as set forth under §1.2, which includes, but is not limited to promote the health, safety, and welfare of the inhabitants of the City of Somerville; to provide for and maintain the uniquely integrated structure of uses in the City; to lessen congestion in the streets; to protect health; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the City; and to preserve and increase the amenities of the municipality.

The proposal is consistent with the purpose of the RA district, which is, “to establish and preserve quiet neighborhoods of one- and two-family homes, free from other uses except those which are both compatible with and convenient to the residents of such districts.” As a result of the addition the dwelling will remain a single family that will be compatible with and convenient to the residents of the district.

4. Site and Area Compatibility: *The Applicant has to ensure that the project "(i)s designed in a manner that is compatible with the characteristics of the built and unbuilt surrounding area, including land uses."*

*Surrounding Neighborhood:* The surrounding neighborhood is comprised of single, two-, and three-family dwellings. Ware Street contains mostly 2.5 story structures. A lot of the structures have been altered significantly from their original condition with alterations that include dormers and a variety of different styles of enclosed first and second story front porches.

*Impacts of Proposal (Design and Compatibility):* The proposed second and third story addition will be designed within the existing footprint and roofline of the existing structure. A covered stoop is proposed that will add more dimension to the front elevation. The material of the whole front of the house will be either cementitious siding or cedar cladding. The vinyl that will be removed from the front of the house will be used to wrap the sides of the proposed addition to match the rest of the structure.

6. Housing Impact: *Will not create adverse impacts on the stock of existing affordable housing.*

There will be no impact on the stock of existing affordable housing.

7. SomerVision Plan: *Complies with the applicable goals, policies and actions of the SomerVision plan, including the following, as appropriate: Preserve and enhance the character of Somerville's neighborhoods, transform key opportunity areas, preserve and expand an integrated, balanced mix of safe, affordable and environmentally sound rental and homeownership units for households of all sizes and types from diverse social and economic groups; and, make Somerville a regional employment center with a mix of diverse and high-quality jobs. The areas in the SomerVision map that are designated as enhance and transform should most significantly contribute towards the SomerVision goals that are outlined in the table below. The areas marked as conserve are not expected to greatly increase the figures in the table since these areas are not intended for large scale change.*

The proposal will preserve and enhance the character of the neighborhood by maintaining its use as a one family. The proposal will also maintain the building form while allowing the homeowners to add living area and increase their amenities without expanding the building footprint.



**DECISION:**

Present and sitting were Members Orsola Susan Fontano, Richard Rossetti, Danielle Evans, Elaine Severino and Josh Safdie. Upon making the above findings, Richard Rossetti made a motion to approve the request for a Special Permit. Elaine Severino seconded the motion. Wherefore the Zoning Board of Appeals voted **5-0** to **APPROVE** the request. In addition the following conditions were attached:

#	Condition	Timeframe for Compliance	Verified (initial)	Notes								
1	Approval is for the construction of a front addition. This approval is based upon the following application materials and the plans submitted by the Applicant:	BP/CO	ISD/Plng.									
	<table><tr><th>Date (Stamp Date)</th><th>Submission</th></tr><tr><td>March 1, 2017</td><td>Initial application submitted to the City Clerk’s Office</td></tr><tr><td>January 17, 2016</td><td>Plans submitted to OSPCD (A1, A2, A3, A4, and A5)</td></tr><tr><td>January 17, 2016 (March 22, 2017)</td><td>Plans submitted to OSPCD (A6)</td></tr></table>				Date (Stamp Date)	Submission	March 1, 2017	Initial application submitted to the City Clerk’s Office	January 17, 2016	Plans submitted to OSPCD (A1, A2, A3, A4, and A5)	January 17, 2016 (March 22, 2017)	Plans submitted to OSPCD (A6)
	Date (Stamp Date)				Submission							
	March 1, 2017				Initial application submitted to the City Clerk’s Office							
	January 17, 2016				Plans submitted to OSPCD (A1, A2, A3, A4, and A5)							
January 17, 2016 (March 22, 2017)	Plans submitted to OSPCD (A6)											
Any changes to the approved site plan or elevations that are not <i>de minimis</i> must receive SPGA approval.												
Construction Impacts												
2	The applicant shall post the name and phone number of the general contractor at the site entrance where it is visible to people passing by.	During Construction	Plng.									
3	The Applicant shall at their expense replace any existing equipment (including, but not limited to street sign poles, signs, traffic signal poles, traffic signal equipment, wheel chair ramps, granite curbing, etc) and the entire sidewalk immediately abutting the subject property if damaged as a result of construction activity. All new sidewalks and driveways must be constructed to DPW standard.	CO	DPW									
4	All construction materials and equipment must be stored onsite. If occupancy of the street layout is required, such occupancy must be in conformance with the requirements of the Manual on Uniform Traffic Control Devices and the prior approval of the Traffic and Parking Department must be obtained.	During Construction	T&P									
Design												
5	Applicant shall provide final material samples for siding, trim, windows, and doors to Planning Staff for review and approval prior to construction.	BP	Plng.									
Site												
6	Landscaping shall be installed and maintained in compliance with the American Nurserymen’s Association Standards;	Perpetual	Plng. / ISD									



7	The Applicant, its successors and/or assigns, shall be responsible for maintenance of both the building and all on-site amenities, including landscaping, fencing, lighting, parking areas and storm water systems, ensuring they are clean, well kept and in good and safe working order.	Cont.	ISD	
<b>Public Safety</b>				
8	The Applicant or Owner shall meet the Fire Prevention Bureau's requirements.	CO	FP	
<b>Final Sign-Off</b>				
9	The Applicant shall contact Planning Staff at least five working days in advance of a request for a final inspection by Inspectional Services to ensure the proposal was constructed in accordance with the plans and information submitted and the conditions attached to this approval.	Final sign off	Plng.	

Attest, by the Zoning Board of Appeals:

Orsola Susan Fontano, *Chairman*  
Richard Rossetti, *Clerk*  
Danielle Evans  
Elaine Severino  
Josh Safdie

Attest, by the Administrative Assistant:

\_\_\_\_\_  
Dawn M. PereiraCopies of this decision are filed in the Somerville City Clerk's office.  
Copies of all plans referred to in this decision and a detailed record of the  
SPGA proceedings are filed in the Somerville Planning Dept.**CLERK'S CERTIFICATE**

Any appeal of this decision must be filed within twenty days after the date this notice is filed in the Office of the City Clerk, and must be filed in accordance with M.G.L. c. 40A, sec. 17 and SZO sec. 3.2.10.

In accordance with M.G.L. c. 40 A, sec. 11, no variance shall take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Also in accordance with M.G.L. c. 40 A, sec. 11, a special permit shall not take effect until a copy of the decision bearing the certification of the City Clerk that twenty days have elapsed after the decision has been filed in the Office of the City Clerk and either that no appeal has been filed or the appeal has been filed within such time, is recorded in the Middlesex County Registry of Deeds and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed Special Permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

The owner or applicant shall pay the fee for recording or registering. Furthermore, a permit from the Division of Inspectional Services shall be required in order to proceed with any project favorably decided upon by this decision, and upon request, the Applicant shall present evidence to the Building Official that this decision is properly recorded.

This is a true and correct copy of the decision filed on \_\_\_\_\_ in the Office of the City Clerk, and twenty days have elapsed, and

FOR VARIANCE(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ any appeals that were filed have been finally dismissed or denied.

FOR SPECIAL PERMIT(S) WITHIN

\_\_\_\_\_ there have been no appeals filed in the Office of the City Clerk, or  
\_\_\_\_\_ there has been an appeal filed.

Signed \_\_\_\_\_ City Clerk Date \_\_\_\_\_

